### ZB# 78-20

# Sambo's Restaurant (Herbert Slepoy)

70-1-16

Public Hearing July 10, 1978
8 p.m.
(OCPD to be OK - notified June 28, 1976 pd

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GEN	ERAL RECEIPT	3761
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550  RECEIVED OF MA-HULL  FOR Zarunce Fee	Miller Aug 3 ± 78-20	19 <i>78</i> \$ <i>50.00</i>
DISTRIBUTION: FUND CODE AN	ADUNT. Charlette W	and to
Williamson Law Book Co., Rochester, N. Y. 14609		eputy

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### State of New York County of Orange, ss:

Olga	Trachews	ky	being	duly	sworn	depos	es and
says the	at <sup>s</sup> he is	Princ	ipal	Cler	k	of New	burgh-
Beacon	News Co.,	Inc., F	ublisł	ner of	The E	vening	News,
a daily	newspaper	publish	ed an	d of g	eneral	circula	tion in
the Cou	inties of Ord	ange ar	nd Dui	chess,	and t	hat the	notice
of whic	h the annex	ed is a One T	true c ime		-	lished .	
in said	newspaper,			on th	1e	1st	.day of
•••••	July		A	.D., 19	, <sup>78</sup> ,	and en	ding on
the	1st	day (	of	Ju.	Ly	A.D.,	19 <sup>78</sup>

Subscribed	and	sworn	to	before	me	this
3rc	i da	y of	Jι	ıly	19.	78

Thy Kachewsky

Notary Public of the State of New York, County of Orange.

MY COMMISSION EXPIRES MARCH 30, 19



#### COUNTY OF ORANGE

#### Department of Planning

124 MAIN STREET (1887 Building) GOSHEN, NEW YORK 10924 TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

July 12, 1978

Mr. Marc Stortecky, Chairman Town of New Windsor Zoning Board of Appeals Town Hall New Windsor, New York 12550

Re: Variance - Sambo's

Route 94

Dear Mr. Stortecky:

This office, pursuant to the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York, has reviewed the above subject variance.

We have no objection to the variance and hereby return the matter for final local determination.

Very truly yours,

Peter Garnison

Commissioner of Planning

PG/dc

555 Union Avenue New Windsor, N. Y. July 11, 1978

Mid-Hudson Neon, Inc. 32 Walnut Street New Windsor, N.Y. 12550

Attn: Mr. Arthur Miller

RE: APPLICATION FOR SIGN VARIANCE - SAMBO'S RESTAURANT, INC.

and HERBERT SLEPOY

#78-20

Dear Arthur:

This is to confirm that the above application for a sign variance was granted at the regular meeting of the Zoning Board of Appeals held on July 11, 1978.

Kindly be advised that a formal decision will be drafted by Mr. Krieger and acted upon at an upcoming meeting of the ZBA. You shall then receive a copy of the formal decision by return mail.

Very truly yours,

PATRICIA DELIO, Secretary

/pd

cc: Howard Collett, Bldg./Zoning Inspector
Town Engineer Cuomo
Ernest Spignardo, Chairman
Town Planning Board

#### OFFICE OF THE ASSESSOR



#### TOWN OF NEW WINDSOR

Chairman

\*\*Ellewest Fx Weeks\*\*
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

June 27, 1978

Mr. Art Miller

RE: 70-1-16

Sambo's

Dear Mr. Miller:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

ry truly yours,

PAULA KING Sole Assessor

Town of New Windsor

enc.

#### OFFICE OF THE ASSESSOR



#### TOWN OF NEW WINDSOR

Chairman New Windsor, New York 12550 (914) 565-8808

Lekis, Edward F. & Jo Ann M. P.O. Box 204 Vails Gate, N.Y. 12584

Grande, Nicholad & Rose 9 Truex Circle New Windsor, N.Y. 12550

Wiatr, Edmund J. Jr. & Mary Anne F. DiMiceli, Anthony & Vincenza 12 Truex Circle New Windsor, N.Y. 12550

Muniz, Felix & Carmen 9 Truex Circle New Windsor, N.Y. 12550

Leonardo, Catherine C'O Angeline Gruber 355 Third Street Newburgh, N.Y. 12550

Marshall, Maria Box 68 Vails Gate, N.Y. 12584

Christopian, Frank & Elizabeth Box 202 Vails Gate, N.Y. 12584

Sloap, Agnes Route 94 Vails Gate, N.Y. 12584

Brewer, russell Box 103 Vails Gate, N.Y. 12550

Montone, Richard E. & Diane M. 7 Truex Circle New Windsor, N.Y. 12550

DeRobertis, Philip T. 18 Truex Circle New Windsor, N.Y. 12550

Lozada, Caesar A. & Rachel 14 Truex Circle New Windsor, N.Y. 12550

Muller, William & Gloria Box 362 Vails Gate, N.Y. 12584

P.O. Box 283 Vails Gate, N.Y. 12584

Mageau, Leo F. & Gladys V. 20 Truex Dr. New Windsor, N.Y. 12550

Broadnax, Christopher 22 Truex Drive New Windsor, N.Y. 12550

Di Giugno, Andrew Jr. & Sue 24 Truex Drive New Windsor, N.Y. 12550

Franchise Realty Interstate Corp. P.O. Box 66207 AMF O Hare Airport Chicago, Ill. 60666

Mobil Oil Corp. Eastern Reg. Div. P.O. Box 839 Valley Forge Pa.

BLC Prop. Inc. & Theresa M. RD#l Sarvis Lane Newburgh, N.Y. 12550

Baright, Richard S. D/B/A Baright Realty Box 595 Vails Gate, N.Y. 12584

#### OFFICE OF THE ASSESSOR



#### TOWN OF NEW WINDSOR

Chairman

Flixwick Fx Waysers

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Weber, George A. & Olive M. P.O. Box 24 Vails Gate, N.Y. 12584

Trevorah, Edward P.O. Box 1 Vails Gate, N.Y. 12584

G E Pension Fund Trustees Of C/O Atlantic Refining Co. P.O. Box 7258 Philadelphia, Pa. 19102

Robin, Arthur Box 235 Vails Gate, N.Y. 12584

Stuart Satterly & Son Inc. RD#2 Riley Road New Windsor, N.Y. 12550

Satterly, Margaret M. RD#2 Riley Road New Windsor, N.Y. 12550

Marshall, Nicholas C. Vails Gate, N.Y. 12584

V G R Associates P. O. Box 334 Lenox Hill Station N.Y. N.Y. 10021

Angelo Rosmarino Ent. P.O. Box 392 Vials Gate, N.Y. 12584

Gasland, Inc. C/O Good Hope Ind. #04034 P.O. Box 3190 Spring Field, Mass. 01101 Respectfully submitted,

Paula King Sole Assessor

Town of New Windsor

	Lign Variance
7/10/18	Ligndariance Public Hearing - Sambors Rest. & Slepoy 8 p.m.
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ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

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In the Matter of the Application of HERBERT SLEPOY and SAMBO'S RESTAURANT, INC. Application #78-20.

DECISION GRANTING SIGN VARIANCE

\_\_\_\_X

WHEREAS, HERBERT SLEPOY of 139-15 243rd Street, Rosedale,
New York, and SAMBO'S RESTAURANT, INC., a corporation having its principal
place of business at 3916 State Street, Suite 3A, Santa Barbara,
California 93105, have applied to the Zoning Board of Appeals for a sign
variance of 196 ft. to be located at the restaurant site at Five Corners,
Vails Gate, N. Y. in a C (Designed Shopping Center) zone; and

WHEREAS, the applicant seeks 196 sq. ft. sign variance; and
WHEREAS, a public hearing was held on the 10th day of July,

1978 before the Zoning Board of Appeals at the Town Hall, New Windsor,

New York; and

WHEREAS, the applicant was represented by Mr. Arthur Miller of Mid-Hudson Neon Inc., 32 Walnut Street, New Windsor, N. Y.; and

WHEREAS, the application was unopposed; and

WHEREAS, the matter was referred to the Orange County Planning

Department and was promptly returned to this board for a local determination

under date of July 12, 1978; and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this matter:

l. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

- 2. The evidence shows that the variance if granted is not inconsistent with other signs located in the same zone.
- 3. The evidence shows that the variance sought will not alter the character of the neighborhood.
- 4. The evidence shows that the applicant will suffer significant economical hardship if it is required to erect a sign with dimensions other than those requested in the instant application.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

- 1. That notice of the public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News also required by law.
- 2. The newly established business cannot be identified in any other feasible method within the present zoning ordinance other than the requested sign.
- 3. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning BOard of Appeals of the Town of New Windsor grant a sign variance to the applicants, HERBERT SLEPOY and SAMBO'S RESTAURANT, INC. of 196 sq. ft.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: August /4, 1978.

mark Storticky

#### APPLICATION FOR VARIANCE OR SPECIAL PERMIT

		78-20.
	•	(Number)
•		
	•	
,		<u>June 26, 1978</u>
		(Date)
1	•	
•	Appli	icant information:
		HERBERT SLEPOY- SAMBO'S RESTAURANTS, INC East side of Rt. 32, South of Rt. 94
		(Name, address and phone of Applicant) New Windsor, N. Y.
	•	
	(ည) ဋ	SAMBO'S RESTAURANTS, INC.
		(Name, address and phone of purchaseror lessee)
	(c)	none
		(Name, address and phone of attorney)
		MMD- HUDSON NEON INC. ARIHUR MILLER - 32 Walnut Street, New Windsor, N. Y. 12550
		(Name, address and phone of works sign maker ERECTOR
•		D-ART INC., U.S. 99 & Cherokee Lane, Stockton, Calif.
· <del></del>		
I.	Wbbr	ication type:
		Use variance
	1,3E.J	Area variance
	X	Sign variance
	7	
	4	Special permit
III.	Prop	perty information:
•		~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
	(a)	C Route 32/Route 94 70-1-16 200 x 200 (Zone) (Address) (M B L) (Lot size)
	,	(Zone) (Address) (Fi b b) (Loc size)
	(b)	What other zones lie within 500 ft.? PI
	(c)	Is a pending sale or lease subject to ZBA approval of this application? no
		dits application: 10
	(d)	When was property purchased by present owner?
	, ,	
	(e)	Has property been subdivided previously? When?
	(£)	Has property been subject of variance or special permit
	/	previously? <u>no</u> When?
	(ဌ)	
	, · <del>-</del>	the Zoning Inspector? yes . If so, when June 28, 1978.
	(h)	

<u>June 26, 1978</u> (Date)

4	
I.	Applicant information:
	HERBERT SLEPOY-  (a) SAMBO'S RESTAURANTS, INC East side of Rt. 32, South of Rt. 94  (Name, address and phone of Applicant) New Windsor, N. Y.
	(b) SAMBO'S RESTAURANTS, INC. (Name, address and phone of purchaseror lessee)
	(c) none (Name, address and phone of attorney)
	(d) ARTHUR MILLER - 32 Walnut Street, New Windsor, N. Y. 12550  (Name, address and phone of *** sign maker ERECTOR
•	AD-ART INC., U.S.99 & Cherokee Lane, Stockton, Calif.
II.	Application type:
	Use variance
	Area variance
	Sign variance
	Special permit
• •	
III.	Property information:
	(a) C Route 32/Route 94 70-1-16 200 x 200 (Zone) (Address) (M B L) (Lot size)
	(b) What other zones lie within 500 ft.? PI
٠.	(c) Is a pending sale or lease subject to ZBA approval of this application? <u>no</u>
	(d) When was property purchased by present owner?
ų	(e) Has property been subdivided previously? When?
	(f) Has property been subject of variance or special permit previously? <u>no</u> When? <u>-</u>
	<ul> <li>(g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes . If so, when June 28, 1978.</li> <li>(h) Is there any outside storage at the property now or is any proposed? Describe in detail. no</li> </ul>
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\*\* Non-residential districts only

Use variance:

IV.

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	,	(b)	The legal standard for a "USE hardship. Describe why you	feel unnacess	sary hardship
	•		will result unless the use va set forth any efforts you hav hardship other than this appl Proposed Signs exist at al	e made to all ication.	eviate the
,		•	Proposed Signs have been d Sambos Restaurant Chain, which	esigned as the	ne image of the nal trademark,
			similar to Howard Johnsons or recognized.  The location of the signs		
		•	by architect for Sambos. To I symbol size would be considered and therefore poor business	h <del>ave less tha</del> red inadaquat	n the advised
			The toolong charges to se to stamp out this custom des be prohibitive.	t up for a sp	
ensund Ensund	٧.		ea variance:  Area variance requested from	Now Windsor	Zoning Logal Law
		(a)	Section, Table	, Column	Zoning Local Law,
		<b>)</b> .	Requirements	Proposed or Available	Variance Request
			Min. Lot Area		
	•		Min. Lot Width		
		:	Reqd. Front Yard		
	·		Reqd. Side Yards		
			Reqd. Rear Yard		
			Reqd. Street Frontage*		
			Max. Bldg. Hgt.		
	,		Min. Floor Area*		

Floor Area Ratio\*\*

Development Coverage\* \_\_\_\_\_ %

<sup>\*</sup> Residential districts only \*\* Non-residential districts only

	**************************************				
•					,
•				Alanka Maria Maria Maria Angara na manana a sa	· Signa and the Section and the Separate
<b></b>					
└ VI. Sigr	n Variance:	•	· .		
(a)			n New Windsor Z B <b>ulk Regs.√</b> Colum		Law,
		Requirements	Proposed or Available  Both sides	Variance Request	
Freestanding	Sign l		200 '		
Building sign (front)	Sign 2		43 '		
Building sign (side)	Sign 3		43 '		
(1200)	Sign 4				
	Sign 5				
	Total	90 sq.ft.	sq.ft.	<u>196</u> sq.ft	•
<i>(</i> ) <i>(</i> )					· ·
(b)	variance,		sign(s) for w h your reasons s.		
	(2) One	building sign on	n - 100 sq. ft. ea front of building side of building	- 43 sq. ft.	in size;
	The signs	are necessary fo	or identification	since there ar	e no
	Sambo's R	estaurants in thi	is part of the sta	te.	
			,	<del></del>	
	•	·	•		
// (c	e) What is t	otal area in sou	are feet of all s	igns on premis	es inclu
// (c		_	are feet of all s		

VI. Sign Variance:  (a) Variance requested from New Windsor Zoning Local Law, Section 49-9 , Table Bulk Regs, Column D  Requirements Proposed or Navitable Request Request Request Request Request Request Request Request Request Reguest Report (front)  1 Building sign Sign 2					tor-serve was man, coming the earlier
(a) Variance requested from New Windsor Zoning Local Law, Section 48-9 , Table Bulk Regs, Column D  Requirements Proposed or Available Both sides 200 ' Request Both sides					hard-entrementa non mining quality (see
(a) Variance requested from New Windsor Zoning Local Law, Section 48-9 , Table Bulk Regs, Column D  Requirements Proposed or Available Both sides 200 ' Request Both sides	• • • • • • •				The second second second
(a) Variance requested from New Windsor Zoning Local Law, Section 48-9 , Table Bulk Regs, Column D  Requirements Proposed or National Request Both sides 200 '  Building sign Sign 1					
(a) Variance requested from New Windsor Zoning Local Law, Section 48-9 , Table Bulk Regs, Column D  Requirements Proposed or National Request Both sides 200 '  Building sign Sign 1					
Section   48-9   Table Bulk Regs, Column   D	x VI. Sigr	n Variance:			•
Requirements Available Request  Both sides 200 '  1 Building sign Sign 2 43 '  (front) 2 Building sign Sign 3 43 '  Sign 4 Sign 5  Total 90 sq.ft. 286 sq.ft. 196 sq.ft.  (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.  (1) One Freestanding sign - 100 sq. ft. each side - total of 200 sq. (2) One building sign on front of building - 43 sq. ft. in size;  (3) One building sign on side of building - also 43 sq. ft. in size.  The signs are necessary for identification since there are no Sambo's Restaurants in this part of the state.	(a)				iaw,
Freestanding Sign 1 200 '  Building sign Sign 2 43 '  (front)  Building sign Sign 3 43 '  Sign 4 Sign 5  Total 90 sq.ft. 286 sq.ft. 196 sq.ft.  (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.  (1) One Freestanding sign - 100 sq. ft. each side - total of 200 sq. (2) One building sign on front of building - 43 sq. ft. in size;  (3) One building sign on side of building - also 43 sq. ft. in size.  The signs are necessary for identification since there are no Sambo's Restaurants in this part of the state.		Requirements	. Available		
(front)  2 Building sign Sign 3 43 '  Sign 4  Sign 5  Total 90 sq.ft. 286 sq.ft. 196 sq.ft.  (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.  (1) One Freestanding sign - 100 sq. ft. each side - total of 200 sq. (2) One building sign on front of building - 43 sq. ft. in size;  (3) One building sign on side of building - also 43 sq. ft. in size.  The signs are necessary for identification since there are no Sambo's Restaurants in this part of the state.	Freestanding	Sign l			
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signs on windows, face of building, and free-standing signs?					
	// (c	e) What is total area in s	quare feet of all s	signs on premise	s including
		signs on windows, face	of building, and f	ree-standing sig	jns?
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Photos of existing premises which show all propent cione and the content of the c

		the special permit.
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UIII.	Addi	tional comments:
		Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
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区 IX.	7 1 4	tachmenta vogui red.
IX.		tachments required:
	<u>k</u>	Copy of letter of referral from Building and Zoning Inspector.
	***************************************	_ Copy of contract of sale, lease or franchise agreement.
		Copy of tax map showing adjacent properties
		Copy(ies) of site plan or survey showing the size and
		location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
	×	Copy(ies) of sign(s) with dimensions.
	×	Check in amount of \$ 50,00. payable to Town of New Windsor
	•	otos of existing premises which show all present signs and landscapin (.
		l photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
		Other
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X. AFFIDAVIT.

	DateJune 28, 1978
STATE OF NE	
COUNTY OF O	) SS.: RANGE )
The Undersi	gned Applicant, being duly sworn, deposes and states that the
information	, statements and representations contained in this application
are true an	d accurate to the best of his knowledge or to the best of his
information	and belief. The applicant further understands and agrees that the
Zoning Boar	d of Appeals may take action to rescind any variance or permit
granted if	the conditions or situation presented herein are materially
changed.	
28th day	efore me this  of June , 1978.  PATRICIA RAZANSKY otary Public, State of N.Y. No. 5970775 podinted in Orange County orang Expires Mar. 30, 1820.
	Action:
(a)	Public Hearing date
(b)	Variance is
	Special Permit is
. (c)	Conditions and safeguards
•	
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1	

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESO-LUTION OF ZONING POARD OF APPEALS. The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

(Applicant)
ARTHUR MILLER, Agent of Applicant

Sworn to before me this

7DA Action.

XI.

28th day of June

PATRICIA RAZANSKY

Notary Public, State of N.Y.
No. 5970775
Appointed in Orange County
Term Expires Mar. 30, 19

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(a)	Public Hearing date			•		,
(b)	Variance is					
	Special Permit is		•			÷
(c)	Conditions and safeguards					
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A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESO-LUTION OF ZONING POARD OF APPEALS.

#### 'INTER-OFFICE CORRESPONDENCE

TO:

TOWN PLANNING BOARD

FROM:

SECRETARY - ZONING BOARD OF APPEALS

SUBJECT:

PUBLIC HEARING - July 10, 1978

DATE:

July 5, 1978

Kindly be advised that a public hearing is scheduled before the New Windsor Zoning Board of Appeals on Monday evening, Jinky 10, 1978 at 8 p.m. in the matter of the Application of HERBERT SLEPOY and SAMBO'S RESTAURANTS, INC. for a sign variance.

I have attached hereto copy of application and public hearing notice which appeared in the Evening News on July 1, 1978.

Pat

Attachments - 2

cc: Howard Collett - Bldg/Zoning Inspector Town of New Windsor

## TOWN OF NEW WINDSOR ORANGE COUNTY, N. Y. OFFICE OF ZONING - BUILDING INSPECTOR

#### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No
To Sambon
PLEASE TAKE NOTICE that your application dated
at the premises located at Route 32 Vanla Gatle
is returned herewith and disapproved on the following grounds:
Total Sign area penitted 80 sy feet on Blog #3
Total sign area proposed I 8635 feet
Harrand Relect

# PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 20	
Request of HERBERT SLEPOY/SAMBO'S RESTAURANTS, INC.	
for a Variance SPECIAL Of	
the regulations of the Zoning Ordinance, to permit	
one double-faced free-standing sign and two	
building signs, all being oversized,	
being a VARIANCE XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	
Section 48-9 - Table of Use Regulations - Col. D	
for property situated as follows:     intersection of Route 32 and Route 94,     at Five-Corners/(adjacent to Leonardo's), Town of	
New Windsor, New York.	
SAID HEARING will take place on the 10th day of July , 19 78	В,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.	
beginning at8_ o'clock P. M.	
MARK STORTECKY	

MARK STORTECKY
Chairman